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5 Attorney for Defendant
 6 CHRISTIAN GUTIERREZ

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8 UNITED STATES DISTRICT COURT

9 SOUTHERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,) CASE NO.: 08CR272- WQH
 11 Plaintiff,) NOTICE OF MOTION AND
) MOTION TO:
 12 vs.)
 13 CHRISTIAN GUTIERREZ,) 1) COMPEL DISCOVERY
) 2) LEAVE TO FILE
) FURTHER MOTIONS
 14)
 15 Defendant.) DATE: March 3, 2008
) TIME: 9:00 AM
) JUDGE: HAYES

16 TO: KAREN P. HEWITT, UNITED STATES ATTORNEY, AND MARK CONOVER,
 17 ASSISTANT UNITED STATES ATTORNEY:

18 PLEASE TAKE NOTICE that on March 3, 2008 or as soon thereafter as counsel may be
 19 heard, the defendant, Christian Gutierrez, by and through his attorney William R. Burgener, will
 20 ask this Court to issue an order granting the motions listed below.

21 **MOTION**

22 The defendant, Christian Gutierrez, by and through his attorney, William R. Burgener,
 23 asks this court pursuant to the Fifth and Sixth Amendments to the United States Constitution,
 24 Federal Rules of Criminal Procedure 12 and 16, and all other applicable statutes, case law and
 25 local rules, hereby moves this Court for an order to:
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1 1) compel discovery;
2 2) leave to file further motions.

3 These motions are based upon the instant motions and notice of motions, the attached
4 memorandum of points and authorities, the files and records in the above-captioned matter, and
5 any and all other materials that may come to this Court's attention prior to or during the hearing
6 of these motions.

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8 Respectfully submitted,

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10 Dated: February 25, 2008

11 s/William R. Burgener
12 WILLIAM R. BURGENER
13 Attorney for Defendant
14 CHRISTIAN GUTIERREZ